

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

1-42(2)/76-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963 the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to Group 'B' posts in the Directorate of Animal Husbandry and Veterinary Services under the Government of Goa, Daman and Diu.

1. Short title. — These rules may be called Government of Goa, Daman and Diu, Directorate of Animal Husbandry, and Veterinary Services, Group 'B' Gazetted Posts, Recruitment Rules, 1976.

2. Application. — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scale of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These Rules are issued in supersession of the earlier existing Recruitment Rules for the posts and with approval of the Union Public Service Commission granted under letter No. F.3/29(2)/76-RR, dated 3rd June, 1976 in case of Piggery Development Officer and Dairy Development Officer, and under letter No. F.3/29(7)/76-RR, dated 28th July, 1976 in case of Fodder Development Officer.

T. Kippen

Chief Secretary

Panaji, 15th September, 1976.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Piggery Development Officer	1	General Central Service, Group 'B' Gazetted	Rs. 650-30-740-35-810- -EB-35-880- -40-1000- -EB-40-1200	Selection	Not exceeding 35 years (Relaxable for Govt. servants)*	<p><i>Essential:</i></p> <p>i) Degree in Veterinary Science of a recognised University or equivalent.</p> <p>ii) 2 years experience in Piggery Development.</p> <p>(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified; in particular, the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes and Scheduled Tribes for posts reserved for them).</p> <p><i>Desirable:</i></p> <p>Post Graduate Degree/Diploma in Swine Husbandry.</p>	Age: No Edn. Quls: Yes	2 years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<p><i>Promotion:</i></p> <p>Veterinary Officer (Rs. 425-750) Manager, Poultry Farm (Rs. 425-700) Instructor, Poultry Extension (Rs. 425-700) with 8 years service in the respective grade rendered after appointment thereto on a regular basis.</p> <p><i>Transfer on deputation:</i></p> <p>Officers under the Central/State Governments holding analogous posts or with at least 3 years service in posts in the scale of (Rs. 550-900) or equivalent and possessing the qualification and experience prescribed for direct recruits in Column 7. (Period of deputation shall ordinarily not exceed 3 years).</p>	Group 'B' Departmental Promotion Committee consisting of Chief Secretary, Administrative Secretary and Head of Department.	As required under the Union Public Service Commission (exemption from consultation) Regulation, 1958.
2. Dairy Development Officer	1	— do —	— do —	— do —	— do —	<p><i>Essential:</i></p> <p>i) Degree in Dairying of a recognised University/Institution or equivalent.</p> <p>ii) 3 years experience in Milk Supply Scheme.</p> <p>(Qualifications relaxable at Commission's discretion in case of candidates otherwise well</p>	— do —	— do —	— do —	<p><i>Promotion:</i></p> <p>Milk Procurement and Distribution Officer (Rs. 550-900) and Asstt. Dairy Manager (Rs. 550-900) with 3 years service in the respective grades rendered after appointment thereto on a regular basis.</p>	— do —	— do —

qualified; in particular, the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes and Scheduled Tribes for posts reserved for them).

Desirable:

Post Graduate Degree/
/Diploma in Dairying.

3. Fodder Development Officer	1	General Central Service, Group 'B' Gazetted	Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200	Selection
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Not exceeding 35 years (Relaxable for Govt. servants)*

Essential:

i) Master's Degree in Agriculture or Veterinary Science of a recognised University or equivalent.

ii) One year's experience in Fodder cultivation.

OR

1. Degree in Agriculture or Veterinary Science of a recognised University or equivalent.

2. 3 years experience in Fodder cultivation.

(Qualifications relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular, the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them).

*Note. — The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

Transfer on deputation:

Officers under the Central/State Governments holding analogous posts or with at least 3 years service in posts in the scale of Rs. 550-900 or equivalent and possessing the qualifications and experience prescribed for direct recruits in Column 7. (Period of deputation shall ordinarily not exceed 3 years).

Promotion:

1. Farm Manager, 2. Farms Supervisor with 5 years service in the respective grade rendered after appointment thereto on regular basis.

Transfer on deputation:

Officers under the Central/State Governments holding analogous posts or with 3/5 years service in posts in the scale of Rs. 550-900 / Rs. 425-700 or equivalent respectively and possessing the qualifications and experience prescribed for direct recruits under Column 7.

(Period of deputation shall ordinarily not exceed 3 years).

Group 'B' Departmental Promotion Committee consisting of Chief Secretary, Administrative Secretary and Head of Department.	Consultation with Union Public Service Commission is necessary while making direct recruitment confirmation of a direct recruit and appointing an Officer from State Government on deputation.
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Home Department (Transport and Accommodation)

Notification

HD(T)/1-1/76

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Rules, 1975 were published as required by sub-section (1) of section 22 of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (7 of 1974), at page 185 of the Official Gazette, No. 19, Series I, dated 5-8-1976 under the Notification No. HD(T)/1-1/76 dated 26-7-1976 of the Home Department, Government of Goa, Daman and Diu, inviting objection and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 5-8-1976;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (2) of section 22 of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (7 of 1974), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Rules, 1975, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (First Amendment) Rules, 1976.

(2) They shall come into force at once.

2. **Amendment of rule 17.**— The existing rule 17 of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Rules, 1975 shall be re-numbered as sub-rule (1) thereof and the following shall be inserted as sub-rule (2), namely:—

“(2) Notwithstanding anything contained in sub-rule (1) if such operator proves to the satisfaction of the Tax Officer, subject to such conditions as may be required by him in this behalf, that his transport business was temporarily suspended due to break down of his vehicle or by closure of the route or routes on which he is permitted to ply such vehicle, during the period for which the tax has not been paid, the Tax Officer may certify that the business had been temporarily suspended during such period”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 19th October, 1976.

Notification

HD(T)/1-5/76

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles Rules, 1965 were published as required by sub-section (1) of section 133 of the Motor Vehicles Act 1939, (4 of 1939), at page 139 of the Official Gazette No. 13, Series I, dated 24-6-1976 under the Notification No. HD(T)/1-5-76 dated 18-6-1976 of the Home Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 24th June, 1976;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (2) of section 70 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirty Seventh Amendment) Rules, 1976.

(2) They shall come into force at once.

2. **Amendment of rule 5.31.**— In clause (b) of sub-rule (1) of rule 5.31 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, for the expression “66 centimetres between the bases”, the expression “72 centimetres between the backs” shall be substituted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 25th October, 1976.

Labour and Information Department

Notification

1/292/75-LAB/1631

Whereas the Lt. Governor of Goa, Daman and Diu is satisfied that it is necessary in the public interest that the Industry engaged in the production, supply and distribution of petroleum and petroleum products should be declared as Public Utility Service for the purpose of Industrial Disputes Act, 1947 (No. 14 of 1947).

Now, therefore, in exercise of the powers conferred under sub-clause (vi) of Clause (n) of Section 2 of the said Act, the Lt. Governor of Goa,

Daman and Diu hereby declares the industry engaged in the supply and distribution of petroleum products to be public utility service for the purposes of the said Act for a period of six months with effect from 1st October, 1976.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 26th October, 1976.

Law and Judiciary Department

Notification

LD/Bill/23/76

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu which received the assent of the Administrator of Goa, Daman and Diu on 29-10-1976 is hereby published for general information.

B. S. Subbanna, Under Secretary (Law).

Panaji, 1st November, 1976.

The Goa, Daman and Diu Excise Duty (Amendment) Act, 1976

(Act No. 18 of 1976) [29th October, 1976]

AN

ACT

further to amend the Goa, Daman and Diu Excise Duty Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1976.

(2) It shall come into force at once.

2. **Amendment of section 24.**—In sub-section (2) of section 24 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964) (hereinafter referred to as "the principal Act"), for the words and figures "Code of Criminal Procedure 1898", the words, figures and brackets "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted.

3. **Amendment of section 30.**—In section 30 of the principal Act, for the words "one thousand rupees or imprisonment for a term which may extend to one year", the words "two thousand rupees or imprisonment for a term which may extend to two years" shall be substituted.

4. **Amendment of section 31.**—In section 31 of the principal Act, for the words "five hundred rupees or with imprisonment which may extend to three months", the words "one thousand rupees or

with imprisonment which may extend to six months" shall be substituted.

5. **Amendment of section 32.**—In section 32 of the principal Act, for the words "five hundred rupees or with imprisonment which may extend to three months", the words "one thousand rupees or with imprisonment which may extend to six months" shall be substituted.

6. **Amendment of section 33.**—In section 33 of the principal Act, for the words "one thousand rupees or with imprisonment which may extend to six months", the words "two thousand rupees or with imprisonment which may extend to one year" shall be substituted.

7. **Amendment of section 35.**—In section 35 of the principal Act, for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

8. **Amendment of section 36A.**—In sub-section (3) of section 36A of the principal Act,—

- (i) for the words and figures "Code of Criminal Procedure, 1898", the words, figures and brackets "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted;
- (ii) the figures and word "5 of 1898" shall be deleted;
- (iii) after sub-section (3), the following shall be inserted, namely:—

"(4) All offences punishable under this Act shall be cognizable and bailable."

Secretariat,

Panaji,

1st November, 1976. Law and Judiciary Department

K. C. D. GANGWANI

Secretary to the Government
of Goa, Daman and Diu

Notification

LD/4050/X/76

The following Central Bills The Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Bill, 1976 and The Beedi Workers Welfare Fund Bill, 1976 which were recently passed by the Parliament and assented to by the President of India on 10-4-1976 and published in the Gazette of India Part II, Section I dated 10-4-1976 are hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 1st September, 1976.

The Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976

AN

ACT

to provide for the financing of activities to promote the welfare of persons employed in the iron ore mines and manganese ore mines.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States:

Provided that the Central Government may, by notification in the Official Gazette, apply in the first instance the provisions of this Act, only to iron ore mines, or only to manganese ore mines, in a State with effect from such date as may be specified in the notification, and if that Government is satisfied that it is necessary or expedient so to do, it may extend this Act to all iron ore mines and manganese ore mines in that State with effect from such date as may be specified in the notification published in the Official Gazette.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “agent” and “owner” have the meanings respectively assigned to them in clauses (c) and (l) of sub-section (1) of section 2 of the Mines Act, 1952; 35 of 1952.

(b) “contractor” has the meaning assigned to it in clause (c) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970; 37 of 1970.

(c) “factory” and “occupier” have the meanings respectively assigned to them in clauses (m) and (n) of section 2 of the Factories Act, 1948; 63 of 1948.

(d) “Fund” means the Iron Ore Mines and Manganese Ore Mines Labour Welfare fund formed under section 3;

(e) “manager” means the manager referred to in section 17 of the Mines Act, 1952; 35 of 1952.

(f) “manganese ore” includes ferrogenous manganese ore or ferro-manganese ore;

(g) “metallurgical factory” means—

(i) a factory in which iron or steel or manganese is being processed or manufactured;

(ii) any other factory, being a factory in which iron ore or manganese ore is used for any purpose which the Central Government may, by notification in the Official Gazette, declare to be a metallurgical factory for the purposes of this Act;

(h) a person is said to be employed in an iron ore mine or manganese ore mine,—

(1) if he is employed within the premises or in the vicinity of such mine by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in any one or more of the following, namely:—

(i) any iron ore or manganese or mining operation;

(ii) the operation, servicing, maintenance or repairs of any machinery or any part thereof used in or about such mine;

(iii) the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore;

(iv) any work in any office, canteen or creche situated within the precincts of such mine;

(v) any welfare, health, sanitary or conservancy services or any watch and ward duties at any place situated within such premises or vicinity, not being a place occupied by any residential building; or

(2) if, in any such area as may be notified by the Central Government in the Official Gazette in this behalf, he is employed by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore;

(i) “prescribed” means prescribed by rules made under this Act.

3. *Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund.*— There shall be formed a Fund, to be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund, and there shall be credited thereto—

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from and out of the proceeds of duty of customs and duty of excise credited under section 5 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976 after deducting therefrom the cost of collection as determined by the Central Government under this Act;

(b) any income from investment of the amount credited under the Act referred to in clause (a) and any other moneys received by the Central Government for the purposes of this Act.

4. *Application of Fund.*— The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which, in the opinion of that Government, are necessary or expedient to promote the welfare of persons employed in the iron ore mines and manganese ore mines, and in particular—

(a) to defray the cost of measures for the benefit of persons employed in the iron ore mines or manganese ore mines directed towards—

(i) the provision and improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities;

(ii) the provision and improvement of water supplies and facilities for washing;

(iii) the provision and improvement of educational facilities;

(iv) the provision and improvement of housing and recreational facilities including standards of living, nutrition and amelioration of social conditions;

(v) the provision of transport to and from the place of work;

(b) to grant loan or subsidy to a State Government, a local authority or the owner of an iron ore mine or of a manganese ore mine, in aid of any scheme approved by the Central Government for any purpose connected with the welfare of persons employed in iron ore mines or manganese ore mines;

(c) to any annually grants-in-aid to such of the owners of iron ore mines or manganese ore mines who provide to the satisfaction of the Central Government welfare measures of the prescribed standard for the benefit of persons employed in their mines, so, however, that the amount payable as grants-in-aid to such owners shall not exceed —

(i) the amount spent by them in the provision of welfare measures as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amount as may be prescribed,

whichever is less:

Provided that no grant-in-aid shall be payable in respect of any welfare measures provided by the owner of an iron ore mine or of a manganese ore mine where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf;

(d) to meet the allowances, if any, of the members of the Advisory Committee and the Central Advisory Committee constituted under section 5 and section 6 respectively and the salaries and allowances, if any, of persons appointed under section 8.

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

5. Advisory Committees. — (1) The Central Government may, —

(a) constitute for each State which produces iron ore or manganese ore an Advisory Committee, or

(b) where both iron ore and manganese ore are produced in a State, constitute, for such State, an Advisory Committee in respect of iron ore only or manganese ore only, or in respect of both,

to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of every Advisory Committee.

6. Central Advisory Committee. — (1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

(2) The Central Advisory Committee shall consist of such number of persons as may be appointed by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of the Central Advisory Committee.

7. Power to co-opt, etc. — (1) The Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

8. Appointment of Welfare Commissioners, etc., and their powers. — (1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrator, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(3) Every person so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(4) Any Welfare Commissioner, Welfare Administrator or Inspector may, —

(a) with such assistance, if any, as he may think fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

9. *Power of Central Government to exempt.* — Notwithstanding anything contained in this Act, if the Central Government is satisfied that there is in force in any State or part thereof a law making adequate provision for the financing of activities to promote the welfare of persons employed in the iron ore mines or manganese ore mines, it may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall not apply or shall apply to such State or part thereof subject to such exceptions and modifications as may be specified in the notification.

10. *Annual report of activities financed under the Act.* — The Central Government shall, as soon as may be after the end of each financial year, cause to be published in the Official Gazette a report giving an account of its activities financed under this Act during the previous financial year, together with a statement of accounts.

11. *Power to call for information.* — The Central Government may require an occupier of a metallurgical factory or the owner, agent or manager of an iron ore mine or of a manganese ore mine to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

12. *Power to make rules.* — (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

(a) the manner in which the Fund may be applied for the measures specified in section 4;

(b) the conditions governing the grant of loan or subsidy under clause (b) of section 4;

(c) the standard of welfare measures to be provided by owners of iron ore mines or manganese ore mines for the purposes of clause (c) of section 4;

(d) the determination of the amount referred to in sub-clause (ii) of clause (c) of section 4 and in the proviso to that clause;

(e) the composition of the Advisory Committees and the Central Advisory Committee constituted under section 5 and section 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them including co-opted members and invitees; and the manner in which the said Advisory Committees and the Central Advisory Committee shall conduct their business;

(f) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(g) the powers that may be exercised by a Welfare Commissioner, Welfare Administrator or an Inspector under section 8;

(h) the furnishing to the Central Government by the occupiers of metallurgical factories and the owners, agents or managers of iron ore mines or of manganese ore mines, of such statistical and other

information as may be required to be furnished, from time to time, by that Government under section 11;

(i) the form in which and the period within which statistical and other information are to be furnished under clause (h);

(j) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (h) or clause (i) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The Beedi Workers Welfare Fund Act, 1976

AN

ACT

to provide for the financing of measures to promote the welfare of persons engaged in beedi establishments.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* — (1) This Act may be called the Beedi Workers Welfare Fund Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date, as the Central Government may by notification in the Official Gazette, appoint and different dates may be appointed for different areas in the State and for different provisions of this Act.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "Fund" means the Beedi Workers Welfare Fund formed under section 3;

(b) a person is said to be engaged in an establishment if he is engaged in that establishment, directly or through any agency, whether for wages or not, for doing any work, skilled, unskilled manual or clerical and includes —

(i) any person who is given raw materials by an employer or a contractor for being made into beedi at home, and

(ii) any person not engaged by an employer or a contractor but working with the permission of, or under agreement with, the employer or contractor;

(c) "prescribed" means prescribed by rules made under this Act;

(d) words and expressions used but not defined in this Act and defined in the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, shall have the meanings respectively assigned to them in that Act in so far as they relate to a person engaged in beedi establishments. 32 of 1966.

3. *Beedi Workers Welfare Fund.* — There shall be formed a Fund to be called the Beedi Workers Welfare Fund and there shall be credited thereto —

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from and out of the proceeds of cess credited under section 4 of the Beedi Workers Welfare Cess Act, 1976, after deducting the cost of collection as determined by the Central Government under this Act;

(b) any income from investment of the amount credited under the Act referred to in clause (a) and any other moneys received by the Central Government for the purposes of this Act.

4. *Application of Fund.* — (1) The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with measures and facilities which, in the opinion of that Government, are necessary or expedient to promote the welfare of persons engaged in beedi establishments; and in particular —

(a) to defray the cost of measures for the benefit of such persons directed towards —

(i) the improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities;

(ii) the provision and improvement of water supplies and facilities for washing;

(iii) the provision and improvement of educational facilities;

(iv) the provision and improvement of housing and recreational facilities including standards of living, nutrition and amelioration of social conditions;

(v) the provision and improvement of such other welfare measures and facilities as may be prescribed;

(b) to grant loan or subsidy to a State Government, a local authority or an employer in aid of any scheme approved by the Central Government for the purpose connected with the welfare of persons engaged in beedi establishments;

(c) to pay annually grants-in-aid to a State Government, or a local authority or to an employer who provides to the satisfaction of the Central Government welfare measures and facilities of the prescribed standard for the benefit of persons engaged in beedi establishments, so, however, that the amount payable as grants-in-aid to any such State Government, local authority or employer shall not exceed —

(i) the amount spent in providing welfare measures and facilities as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amount as may be prescribed, whichever is less:

Provided that no grant-in-aid shall be payable in respect of any such welfare measures and facilities where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf;

(d) to meet the allowances, if any, of the members of the Advisory Committee constituted under sections 5 and 6 respectively and the salaries and allowances, if any, of persons appointed under section 8;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

(2) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

5. *Advisory Committees.* — (1) The Central Government may constitute as many Advisory Committees as it thinks fit, but not exceeding one for each of the principal beedi producing States, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing Government, the employers and persons engaged in beedi establishments and that at least one member of such Committee shall be a woman.

(3) The Chairman of each Advisory Committee shall be appointed the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of all members of every Advisory Committee.

6. *Central Advisory Committee.* — (1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

(2) The Central Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Government, the employers and persons engaged in beedi establishments and that at least one member of such Committee shall be a woman.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of all members of the Central Advisory Committee.

7. *Power to coopt.* — (1) An Advisory Committee or the Central Advisory Committee may, at any time

and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

8. *Appointment of Welfare Commissioners, etc., and their powers.*—(1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Beedi Workers Welfare Cess Act, 1976.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Beedi Workers Welfare Cess Act, 1976.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(4) Any Welfare Commissioner, Welfare Administrator or Inspector may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

9. *Power of Central Government to exempt.*—(1) Notwithstanding anything contained in this Act, if the Central Government is satisfied that there is in force in any State or part thereof a law making adequate provision for the financing of activities to promote the welfare of persons engaged in beedi establishments, it may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall not apply or shall apply to such State or part thereof subject to such exemptions and modifications as may be specified in the notification.

10. *Annual report of activities financed under the Act.*—The Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of its activities financed under this Act during the previous financial year together with a statement of accounts.

11. *Power to call for information.*—The Central Government may require a State Government or a local authority or an employer to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

12. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette,

and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the Fund may be applied for the measures and facilities specified in sub-section (1) of section 4;

(b) the conditions governing the grant of loan or subsidy under clause (b) of sub-section (1) of section 4;

(c) the conditions governing grant-in-aid under clause (c) of sub-section (1) of section 4;

(d) the standard of welfare measures and facilities to be provided under clause (c) of sub-section (1) of section 4;

(e) the determination of the amounts referred to in sub-clause (ii) of clause (c) of sub-section (1) of section 4 and the proviso to that clause;

(f) the composition of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committees and the Central Advisory Committee shall conduct their business;

(g) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(h) the power that may be exercised by a Welfare Commissioner, a Welfare Administrator or an Inspector under section 8;

(i) the furnishing to the Central Government by a State Government or a local authority or an employer of such statistical and other information as may be required to be furnished under section 11;

(j) the forms in which and the period within which statistical and other information are to be furnished under clause (i);

(k) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (i) or clause (j) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Notification

LD/4555/I/76

The following Order which was issued by the Government of India on 31-8-1976 is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 27th September, 1976.

MINISTRY OF HOME AFFAIRS

Order

New Delhi, the 31st August, 1976

S. O. 578(E). — In exercise of the powers conferred by rule 4 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby rescinds the Order of the Government of India in the Ministry of Home Affairs No. S. O. 695(E) the 3rd December, 1950.

[No. II/14011/78/75-S&P(D.II)]

By Order and in the name of the President

R. L. MISRA, Jt. Secy.

Office of the Chief Electoral Officer

Notification

2-4-74/Elec.

The following Corrigendum No. 434/Goa/74/657 dated 18th October 1976 issued by the Election Commission of India New Delhi, is hereby published for general information.

K. C. D. Gangwani, Chief Electoral Officer.

Panaji, 25th October, 1976.

Election Commission of India

Nirvachan Sadan, Ashok Road, New Delhi-1

Dated 18 October 1976

Asvina 26, 1898 (Saka).

Corrigendum

No. 434/GOA/74. — In the Election Commission notifications No. 429/GOA/74(1), dated 24 July, 1976 and No. 434/GOA/74(3), dated 26 July, 1976 published at page 215 *vide* Series I No. 21, dated 19 August, 1976 of the Official Gazette, Government of Goa, Daman and Diu, for the words 'Personnel Assistant to Collector, Daman' read "Personal Assistant to Collector, Daman".

By order,

P. K. MISHRA

Secretary to the Election Commission of India.

Corrigendum

In the Official Gazette No. 28, Series I dated 7-10-76, at the end of Judicial Commissioner's Court (1st Amendment) Rules, 1976, at page 288, the following may be added:

"By Order of the Court.

Sd/- Registrar".

In the Central Sales Tax (Amendment) Act (No. 103 of 1976) published in the Official Gazette No. 29, Series I dated 14-10-76, the last line of first column at page 300 should be corrected to read as follows:

"place after, and was for the purpose of complying with"